

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

WELTON ZOLICOFFER,)
)
Plaintiff,)
)
-vs-) Case No. CIV-07-1362-F
)
UNITED STATES MARSHAL)
SERVICE,)
)
Defendant.)

ORDER

On December 28, 2007, United States Magistrate Judge Bana Roberts issued a Report and Recommendation, wherein she recommended that this action be dismissed without prejudice to refiling for failure of plaintiff to comply with the court's order of December 6, 2007, requiring plaintiff to cure certain deficiencies with respect to his complaint.¹ Magistrate Judge Roberts noted in the Report and Recommendation that all mailings from the court to plaintiff had been returned undeliverable and plaintiff had not filed a change of address with the court as required by Local Civil Rule 5.5(a).

In the Report and Recommendation, plaintiff was advised that any objection to the recommended ruling was to be filed by January 17, 2008. Plaintiff was further advised that failure to make timely objection waived his right to appellate review of both factual and legal issues therein contained.

¹ Specifically, plaintiff was directed to either pay the \$350 filing fee or submit a motion for leave to proceed *in forma pauperis* in accordance with 28 U.S.C. § 1915.

To date, plaintiff has not filed an objection to the Report and Recommendation. The record reflects that the Report and Recommendation mailed to plaintiff on December 28, 2007, was returned as undeliverable on January 7, 2008. Plaintiff has not filed any change of address with the court as required by Local Civil Rule 5.5(a).

With no objection being filed to the Report and Recommendation and no request for extension being filed, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Bana Roberts on December 28, 2007 (doc. no. 8), is **ACCEPTED**, **ADOPTED**, and **AFFIRMED**. Plaintiff's action is **DISMISSED WITHOUT PREJUDICE**.

DATED January 18, 2008.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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